IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CHAMBER SUMMONS NO. 1459 OF 2006
IN
EXECUTION APPLICATION N0. 331 OF 2000

S.R.F.Transnational Holdings
Ltd. & Anr. ... Claimants.

V/s.

Lalji Popat. ... Respondent.

And

Divesh Ramchandra Chawla HUF. ... Respondent.

WITH

CHAMBER SUMMONS NO. 1458 OF 2006
IN
EXECUTION APPLICATION NO.330 OF 2000

S.R.F. Transnational Holdings
Ltd. & Anr. ... Claimants.

V/s.

The Navsari Processing Industry
Pvt.Ltd. ... Respondents.

And

Hitesh Ramchandra Chawla HUF ... Respondent.

....

Ms. F. Kamdin i/b. FZB & Associates for the Claimants.

Mr. A.M. Kazi, Deputy Sheriff present.

Auction Purchaser present.

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CORAM : SMT. ROSHAN DALVI, J.

DATE : 9TH FEBRUARY 2007.

P.C. :

1. The Claimants who have obtained an award have taken out this Chamber Summons for various reliefs.

2. There are two Claimants to the Chamber Summons. The name of the second Claimant which is the Private Limited Company has been changed. The fresh certificate of incorporation consequent upon the change of name has been issued and shown as Exhibit 'C' to the affidavit in support of this Chamber Summons. The name of the Claimant No.2 shall be accordingly corrected in the title. Any amendment required with regard thereto shall be carried out within two weeks. Prayer (b) is accordingly granted.

3. The cheque of the sale amount for the sale sanctioned on 18.9.2006 by Justice Mohite is required to be paid to the Claimants as per the order dated 18.9.2006. Claimant No.2 has assigned rights to Claimant No.1. The Advocate for the Claimants has filed appearance on behalf of both the Claimants. The Vakalatnama has been signed by both the Claimants. Consequently, the cheque can be paid to one of the Claimants. The Sheriff of Bombay shall issue the cheque in the name of Claimant No.1 for the amount of the consideration of sale togetherwith all the accrued interest thereon after deducting his costs, charges and expenses.

4. The Auction Purchaser has also offered to purchase the moveables in the premises which are sold. Certain photographs of the moveables are shown to the Court. The moveables are in a shabby condition. Rs.11,000/- is

stated to be the price offered by the Purchaser of the immovable property (which is Rs.10,000/- in one matter and Rs.1,000/- in another). The Claimants, therefore, seek not to go through the entire process of execution for attachment and sale of the moveables. Under the aforesaid circumstances, the moveables are allowed to be sold to the Purchaser of the immovable property for the total sum of Rs.11,000/-. The amount of Rs.11,000/- from the sale of the moveables may be directly paid by the Auction Purchaser to the Claimant No.1.

5. I have been shown the order dated 18.9.2006, which makes a provision for setting aside certain maintenance charges of Rs.1,91,913/- to the owners of the premises. I am told that the Auction Purchaser is the son of the owner. An agreement has been arrived at between the Claimants, Owners and the Auction Purchasers in this regard. Hence that requirement is waived. The Sheriff of Bombay shall pay the entire amount to the Claimants as directed above.

(SMT.ROSHAN DALVI,J.)